



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G A. (Andy) Morris, Ward 4*  
*Anthony Coleman, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

---

Wednesday, December 9, 2015

7:00 PM

Council Chamber

---

### CALL TO ORDER:

### INVOCATION:

*Council Member Philip Goldstein, Ward 7*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

### PROCLAMATIONS:

**20151133      Marietta High School Boys Cross Country Team win State and Nike Southeast Championship!**

The Mayor and City Council recognizes Coach Coleman and the boys Cross Country team from Marietta High School as repeat State Champions! Marietta's cross country team is also recognized as the best in the Southeast after winning the Class AAAAAA Nike Cross Nationals Southeast Regional meet at the WakeMed Soccer Complex in Cary, N.C. As one of the top Teams in the nation, Marietta XC advanced to the Nike Cross Nationals championship held at Glendoveer Golf Course in Portland, Ore. on Saturday, December 5th and placed 15th in the US.

### ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

**SCHEDULED APPEARANCES:**

Each speaker is allotted five (5) minutes.

**UNSCHEDULED APPEARANCES:**

Each speaker is allotted five (5) minutes.

**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

**MINUTES:**

- \*      **20151090      Regular Meeting - November 11, 2015**

Review and approval of the November 11, 2015 regular meeting minutes.

- \*      **20151092      Special Meeting - November 19, 2015**

Review and approval of the November 19, 2015 special meeting minutes.

**MAYOR'S APPOINTMENTS: (for informational purposes only)****CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

\*      **20150983      Z2015-38 [REZONING] WILLIAM C. HAGEMANN PROFIT SHARING PLAN**

Z2015-38 [REZONING] WILLIAM C. HAGEMANN PROFIT SHARING PLAN requesting rezoning for property located in Land Lot 1158, District 16, Parcel 1240, 2nd Section, Marietta, Cobb County, Georgia, and being known as 180 Locust Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 3A.

*Recommended for Approval as Stipulated*

*Vote: 6-0-1*

*Mr. Diffley made a motion, seconded by Mr. Rosenbury to recommend approval as submitted including a variance for a detached garage. The motion carried 6 0 1. Mr. Poor abstained.*

*PUBLIC HEARING (All parties sworn in.)*

*Council member Goldstein previously disclosed that he owns property at 195 Locust Street.*

\*      **20151085      Z2015-39 [REZONING] CITY OF MARIETTA**

Z2015-39 [REZONING] CITY OF MARIETTA request rezoning for property located in Land Lot 1075, District 16, 2nd Section, Marietta, Cobb County, Georgia and being known as a portion of Burnap Street right-of-way from unzoned to R-2 (Single Family Residential - 2 units/acre). Ward 4B.

*Recommended for Approval*

*Vote: 7-0-0*

*Mr. Vanderslice made a motion, seconded by Mr. Poor to recommend approval as submitted. The motion carried 7 0 0.*

*PUBLIC HEARING (All parties sworn in.)*

\*      **20150959      CA2015-11 [CODE AMENDMENT]**

CA2015-11 [CODE AMENDMENT] Proposal to amend Division 722, paragraph 722.06 Reversionary Clause, as shown below, by deleting it in its entirety.

722.06 Reversionary clause If at the time of 12 months from the date of rezoning of property the owner has not obtained a building permit, and presented the necessary development plans as determined by the Department of Planning and Zoning on at least a portion of said property, the Planning and Zoning Director may propose a map amendment to rezone the property back to the previous zoning district classification. The owner of the property will be notified of the reversionary action to take place and afforded an opportunity to appear before the Planning Commission and City Council to show cause why the reversionary action should not be taken.

*Recommended for Approval*

*Vote: 7-0-0*

*Mr. Rosenbury made a motion, seconded by Mr. Vanderslice to recommend approval as submitted. The motion carried 7 0 0.*

*PUBLIC HEARING (All parties sworn in.)*

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**

**2. Finance/Investment: Stuart Fleming, Chairperson**

\*      **20151047      GMA Annual Mayors' Day Conference**

Motion approving travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) Annual Mayors' Day Conference, January 22-25, 2016, in Atlanta, Georgia.

\*      **20151048      National League of Cities (NLC)**

Motion approving travel and training for Mayor and Council members who wish to attend the National League of Cities (NLC) Congressional City Conference in Washington, DC, March 5-9, 2016.

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

\*      **20151066      Residential Uses in RA Districts**

Motion to authorize advertisement of the Comprehensive Development Code of the City of Marietta, Division 708.05 RA-4, Single Family Residential - Attached, Paragraph C, Temporary/Conditional Uses Allowed by the Director; Division 708.06 RA-6, Single Family Residential - Attached, Paragraph C, Temporary/Conditional Uses Allowed by the Director; and Division 708.07 RA-8, Single Family Residential - Attached, Paragraph C, Temporary/Conditional Uses Allowed by the Director.

\*      **20150872      Electronic Signs**

Motion to authorize advertisement of amendments to the Zoning Ordinance, Section 714, Signs.

**4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson**

\*      **20151062      Street Closure Requests for Marietta Square Farmer's Market**

Motion to approve street closures for the 2016 Marietta Square Farmer's Market as follows:

- Saturday closure of Mill St. (from the railroad tracks to West Park Sq.): January 9, 2016 to March 26, 2016; from 7 a.m. to 2 p.m.
- Saturday closure of North Park Square: April 2, 2016 to November 26, 2016; from 7 a.m. to 2 p.m.
- Saturday closure of Mill St. (from the railroad tracks to West Park Sq.): December 3, 2016 to December 24, 2016; from 7 a.m. to 2 p.m.
- Sunday closure of Mill St. (from the railroad tracks to West Park Sq.): April 3, 2016 to November 20, 2016; from 12 noon to 5 p.m.

Also, to grant staff the authority to move the Farmer's Market location as necessary to accommodate Council approved improvements in Glover Park and on North Park Square.

\*      **20151063      Street Closure Request for Marietta Square Artist's Market**

Motion to approve for the closure of Mill St. from the railroad tracks to W. Park Square for the Marietta Square Artists Market the 2nd and 4th Saturdays of the month from April through November 2016.

Also, to grant staff the authority to relocate the Artist's Market if necessary to conduct Council approved streetscape improvements to North Park Square.

\*      **20151076      New Year's Eve Alcohol Request and Street Closure Change**

A motion approving the following items regarding the New Year's Eve event sponsored by the Branding Project:

1. A waiver of City Code Section 10-4-070 (C) and (E) to provide for the consumption of beer and wine in Glover Park and the sale and consumption of beer and wine adjacent to Glover Park for the duration of the event.
2. Earlier closure of West Park Square on Thursday, December 31, 2015 of 11:00 am instead of 5:00 pm as originally requested and approved (item #20150894), for the purpose of hosting kids activities during the event.

*Council member Goldstein has previously disclosed that he is a member or participant of Marietta Square Branding Project, Inc.*

*Council member Goldstein abstaining.*

**5. Personnel/Insurance: Johnny Walker, Chairperson**

\*      **20151015      Marietta Museum of History Appointments**

Consideration of a recommendation by the Museum of History Board to reappoint William Paden, Davis McCollum, Kee Carlisle, Harlon Crimm and Betty Hunter for a term of three (3) years.

*This item was requested by Johnny Walker and Mayor Steve Tumlin.*

\*      **20151017      Marietta Museum of History Appointment**

Consideration of a recommendation by the Museum of History Board to appoint Kirkland A. McGhee, as a new appointment, for a term of three (3) years.

*This item was requested by Johnny Walker and Mayor Steve Tumlin.*

**6. Public Safety Committee: Anthony Coleman, Chairperson**

\*     **20151039     Revisions to MPD Policies**

Motions approving revisions to listed policies  
A019 (Risk Analysis Board), A051 (Media & Public Relations), A052 (Detention & Housing of Detainees), A070 (Departmental Forms & Reports), A079 (Activated Military Deployment and Reintegration Procedures), C050 (Crime Prevention), E010 (SWAT & Tactical Medic), E035 (Critical Response Team), P010 (Patrol Operations), P044 (Police Vehicles), S020 (Canine Program), S035 (Crime and Accident Scenes), S040 ( Organized Crime & Vice Control), S060 (Special Purpose Vehicles), T040 (Firearms Regulations & Qualifications)

\*     **20151045     Intergovernmental Agreement - Smyrna**

Motion to approve an Intergovernmental Agreement with Smyrna to house Marietta Police Department inmates.

\*     **20151084     Memorandum of Understanding**

Motion approving a Memorandum of Understanding for Georgia's Tax Refund Intercept Program Participation.

**7. Public Works Committee: Grif Chalfant, Chairperson**

\*     **20151051     Burnap Street Right of Way**

Motion authorizing the abandonment, sale, and/or exchange of Burnap Street right of way between Roselane Street and North Avenue, subject to permanent easements being provided for all existing utilities within said right of way until such utilities are abandoned.

*Public Hearing Required*

\*     **20151058     GDOT I-75 Managed Lanes Right-of-Way**

Motion approving a request from GDOT to transfer City rights of way for the I-75 Managed Lanes project.

\*     **20151059     GDOT RIGHT OF WAY CONTRACT**

Motion approving a request to approve right of way contract for the acquisition of right of way for the Cobb Parkway at North Marietta Parkway project.

\*     **20151060     Appropriation of Public Works Funds**

Approval of an Ordinance amending the Fiscal Year 2016 General Fund budget to receive and appropriate \$24,780 from the sale of right of way for the Public Works Department.

**OTHER BUSINESS:**

**20150995     V2015-52 [VARIANCE] CLEARCHANNEL OUTDOOR, INC**

V2015-52 [VARIANCE] CLEARCHANNEL OUTDOOR, INC is requesting a variance for property located in Land Lot 1212, District 16, Parcel 0210, 2nd Section, Cobb County, Georgia, and being known as 131 Cobb Parkway North, currently zoned CRC (Community Retail Commercial). Ward 5A.

- Variance to allow a digital billboard panel within 500 feet of a residential zoning district.

\*     **20151100     Urban Redevelopment Plan**

Approval of a Resolution of the City of Marietta adopting a modification to the Urban Redevelopment Plan. This item is being added at the request of Mayor Tumlin.

*Public Hearing Required*

**20151138     Revision to the detailed plan for Meeting Park L-91 & L-92**

In order to correct an improperly placed building foundation for L-92, JW Homes, LLC, is requesting the following:

1.   Reduce the setback between L-91 and L-92 from 10' to 6.3' at the nearest point.
2.   Reduce the required access and utility easement width for a private alley from 20' to 18' between L-89, L-90, and L-91.

This revision would only apply to these lots. All other previously approved stipulations and standards would remain in effect.

*This item was requested by Council Member Coleman.*

**20151121     Appeal Hearing - Officer Written Order of Case # 14-04427 120 Lewis Street Property**

Appeal hearing required for boarded up building at 120 Lewis Street.



**20151139      Abandonment of Right of Way at 861 & 849 Franklin Road**

Motion Authorizing the Abandonment of Right of Way at 861 & 849 Franklin Road.

*Public Hearing Required*

**20151140      Settlement Agreement**

Motion to approve a Settlement Agreement between the city and Christopher James Murray, et al. Cobb County Superior Court Case number 12-1-11874-52 subject to approve by the City Attorney and City Manager as to final form of the Agreement.

**\*      20151126      BLW Actions of December 8, 2015**

Review and approval of the December 8, 2015 actions and minutes of Marietta Board of Lights and Water.

*Council member Coleman voting against BLW agenda item 20151087, 2016 Water Rates.*

**UNSCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes.**

**ADJOURNMENT:**